

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUZANNE M. JONES,	:	CIVIL ACTION
<i>Executrix of the Estate of</i>	:	
<i>Christopher C. Jones, deceased,</i>	:	NO. 11-564
Plaintiff,	:	
	:	
v.	:	
	:	
TOWNSHIP OF MIDDLETOWN,	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 26th day of July 2011, upon consideration of Defendant Township of Middletown's Motion to Dismiss (Doc. No. 3), and Plaintiff's Response in Opposition (Doc. No. 4), and for reasons stated in the accompanying Opinion, it is ORDERED that:

1. Count I, brought pursuant to 42 U.S.C. § 1983, and that portion of Count III for punitive damages derived from the § 1983 claim, are DISMISSED with prejudice for failure to state a claim, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;

2. Count II, for breach of contract, and that portion of Count III for punitive damages derived from the breach of contract claim, are DISMISSED without prejudice, pursuant to 28 U.S.C. § 1367(c)(3).

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.